

## Section 14A.

**(a)** In order to establish statewide enhanced 911 service, upon the written request of the statewide emergency telecommunications board, established by section eighteen B of chapter six A, hereinafter referred to as the board, each telephone company providing local exchange service in the state shall provide and maintain enhanced 911 service in compliance with a schedule established by the board after consultation with the phone company.

**(b)** Each municipality in the commonwealth shall be served by a primary safety answering point that utilizes enhanced 91 network features in accordance with the implementation schedule established by the board under provisions of section eighteen D of chapter six A.

**(c)** No provision of law shall be construed to prohibit or discourage the formation of multiagency, multijurisdictional or regional public safety answering points, that any such plan is approved by the board. Any public safety answering point may serve the jurisdiction of more than one public agency or a segment of the jurisdiction of municipality.

**(d)** A telephone company shall forward to any public safety answering point, or any other answering point equipped for enhanced 911 service, the telephone number and street address of any telephone to be used to place a 911 call. Subscriber information provided in accordance with this section shall be used only for the purpose of responding to emergency calls or for use in any ensuing investigation or prosecution, including the investigation of false or intentionally misleading reports of incidents requiring emergency service. No telephone company, nor the agents of any telephone companies, shall be liable in any action to any person for releases of information as permitted in this section.

**(e)** As enhanced 911 service becomes available and where facilities are available, each telephone company and the owner of a private coin telephone in the state shall convert each public coin or coinless telephone within areas served by such enhanced 911 service to dial tone first capability which allow a caller to dial 911 without first inserting a coin or paying any other charge. Each provider of public coin or coinless telephone shall provide access to enhanced 911 service, and prominently display instructions on how to use such system.

## Section 15E.

**(a)** As used in this section, the following words shall, unless the context requires otherwise, have the following meanings:-

"Common carrier," as the term is used in chapters one hundred and fifty -nine and one hundred and sixty-six, referring to a business in the commonwealth that is a provider of local exchange service, so-called, to one thousand or more subscribers.

"Deaf person," a person with a severe to profound hearing loss, who in the majority of circumstances, is unable to effectively use the telephone without assistance of a TDD/TTY.

"Hard of hearing person," a person with a hearing loss who, in the majority of circumstances, is unable effectively use a telephone without assistance of a sound amplification control on the telephone receiver or without the use of a hearing aid and a hearing aid compatible handset.

"Disabled person," a person who has a physical, sensory or mental impairment which substantially limits one or more major activity such as caring for himself, performing manual tasks, walking, seeing, hearing, breathing, learning and working, and who is unable to use a telephone without the assistance of specialized telephone equipment.

"TDD/TTY," telecommunications for the deaf consisting of terminals that permit two-way, typed telephone conversations with or between deaf people.

"TDD equipment distribution service," a system of administration and record keeping as well as distribution, repair and replacement of TDD/TTY equipment for certified subscribers.

"SCPE," Specialized, customer-premises equipment, such as artificial larynxes, signaling devices, amplified handsets, large number dial overlay, direct telephone dialing, telebraille, TDD/TTY and other devices which provide access to telephone networks for people with hearing, speech, vision or mobility impairments.

"SCPE distribution service", a system of administration and record keeping, as well as distribution, repair and replacement of SCPE units for certified subscribers.

"Dual party TDD/TTY telephone message relay service," a system which uses third party intervention to connect deaf, hard of hearing and speech impaired persons to use TDD/TTY equipment, with persons of normal hearing and speech by way of telephone systems.

"Public coin and coinless telephone service," telephone operated by coin or credit card located in high volume traffic areas that return substantial revenue, including, but limited

to, police stations, hospitals, airports, bus terminals, train stations, libraries, social security, medicaid and medicare offices, and shopping centers.

"Semi-public coin and coinless telephone service," telephones operated by coin or credit card located in low volume traffic areas that return moderate revenue, including, but not limited to, convalescent homes, elderly housing complexes and small meeting houses.

**(b)** Every common carrier shall provide and maintain a TDD equipment distribution service and a SCPE distribution service, and shall make such services available to any residential subscriber who is (i) certified by the Massachusetts commission on the deaf and hard of hearing as sufficiently deaf or hard of hearing to be in need of TDD or SCPE equipment, (ii) certified by the Massachusetts commission for the blind as sufficiently visually impaired to be in need of SCPE equipment, or (iii) certified by the Massachusetts rehabilitation commission as otherwise sufficiently disabled to be in need of SCPE equipment. For the purposes of making this certification, the respective aforementioned commissions shall require a written verification of the alleged disabilities by a physician or certified audiologist licensed to do business in the commonwealth. Each common carrier, upon the request of a certified subscriber, shall provide TDD equipment and SCPE to the requesting subscriber. Such service shall be provided free of charge, or at reduced rates if the department of public utilities first certifies that said requesting subscriber is unable to afford said TDD or SCPE equipment at its full cost. Any reduced rate shall be in accordance with rate schedule established by the department of public utilities.

**(c)** Each common carrier shall provide a dual party TDD/TTY telephone message relay service from a center located within the commonwealth. Employees of said center shall be residents of the commonwealth and preference in employment at said center shall be given to disabled persons as defined by this section.

**(d)** The department of public utilities shall review each such service to see that it conforms with the provisions herein. Said department shall promulgate rules and regulations necessary to carry out the provisions of this section; provided, however, that prior to such implementation of such services pursuant to sections (b) and (c) said common carrier shall issue a request for proposals subject to Department of Public Utilities review and approval seeking competitive bids from qualified vendors to provide the aforementioned services. Said common carrier shall be permitted to submit a competitive bid to provide the aforementioned services. Further provided, however, that beginning on January 2, 1991, the vendor selected to provide such services shall reimburse the Commonwealth for the costs incurred by the existing provider of said service, subject to D.P.U. review and approval, prior to full implementation of this Act. In any rate proceeding conducted pursuant to chapter 159 of General Laws in which said carrier seeks to reflect the costs for such services in rates said carrier shall submit to department such information about said requests for proposals so that the department may determine said carrier is providing such services at a cost to said carrier that

reflects the least cost to its ratepayers with due regard for standards of reliability and quality that are consistent with the public interest.

**(e)** Each common carrier that provides public coin and coinless telephone service and maintains at least four or more telephones shall provide and maintain a minimum of twenty-five percent of its public and semi-public telephones with controls for sound amplification of incoming transmission. Any person, firm, corporation or other entity that is not a common carrier that provides public coin or coinless telephone service or semi-public coin or coinless telephone services and maintain at least four such telephones, shall provide and maintain a minimum of twenty-five percent of its public or semi-public telephone with controls for sound amplification of incoming transmission.

**(f)** Every common carrier shall be in compliance with provisions of clause (b) on or before July first, nineteen hundred and ninety-two. Every common carrier shall be in compliance with provisions of clause (c) on or before July first, nineteen hundred and ninety-one. Every common carrier shall be in compliance with the provisions of clause (e) on or before July first, nineteen hundred and ninety-five; provided, however, that twenty-five percent of all new installations of public or semi-public telephones shall, after the effective date of this act, include such controls for sound amplification of incoming transmissions.

**(g)** There shall be an advisory committee on accessibility to telephone service for disabled persons. Said advisory committee shall consist of the secretary of human services or his designee; the commissioner of the Massachusetts commission for the deaf and hard of hearing or his designee; the commissioner of Massachusetts rehabilitation commission or his designee; the commissioner of the Massachusetts commission for the blind or his designee; the executive director of the state office for handicapped affairs or his designee; and twelve person to be appointed by the governor, four of who shall be deaf persons, four whom shall be hard of hearing persons, and four of whom shall be disabled persons. Each such member of the advisory committee shall serve for a term of three years. The chairperson of the advisory council shall be appointed by the governor and shall serve in this function for term of one year. Said advisory council shall meet quarterly and shall make recommendations to the department of public utilities on all matters of policy and operation of a telecommunication device for the deaf distribution service, the placement of public coin and coinless telephone services for the deaf in public places, a specialized customer premises equipment distribution service and a dual party telecommunication device for the deaf message relay service.

**(h)** The department of public utilities shall promulgate regulations relative to the provisions of this section after consultation with the advisory committee on accessibility to telephone service for disabled persons.

## Section 18A.

In this section and in sections eighteen B and eighteen F, inclusive, and in section fourteen A of chapter one hundred and sixty-six, the following words shall, unless the context clearly requires otherwise, have the following meaning:-

"Automatic number identification," an enhanced 911 service capability that allows for the automatic display of the seven digit number used to place 911 call.

"Automatic location identification," an enhanced 911 service capability that allows for the automatic display of information relating to the geographical location of the telephone used to place a 911 call.

"Board," the statewide emergency telecommunications board.

"Director," the executive director of the statewide emergency telecommunications board.

"Enhanced 911 services," a service consisting of telephone network features provided for users of public telephone system enabling such users to reach a public safety answering point by dialing the digits 911. Such service directs 911 calls to appropriate public safety answering points by selective routing based on the geographical location from which the calls originate and provides the capability for automatic number identification and automatic location identification.

"Enhanced 911 network features," those features which provide selective routing, automatic number identification and automatic location identification.

"Enhanced 911 systems," a distinct entity or geographical segment in which enhanced 911 service is provided. It consists of an electronic switching system serving as a control office and trunking connecting all central offices within a geographical segment and the public safety answering points and circuits from such public safety answering points to data base for retrieval of location information.

"Local exchange service," telephone exchange lines or channels that provide local access from the premises of a subscriber in this state to the local telecommunications network to effect the transfer of information.

"Municipality," any city or town in the commonwealth.

"Network components," includes the software and hardware for the control office, other central office modification, trunking and all components of the computer storage system and data base used for selective routing of 911 calls and automatic location identification, including a public safety answering point.

"Public safety agency," a functional division of a municipality or the state which provides fire fighting, law enforcement, ambulance, medical or other emergency services.

"Private safety agency," any entity, except of a municipality or a public safety agency, providing emergency police, fire, ambulance or medical services.

"Public safety answering point," a facility assigned the responsibility of receiving 911 calls and, as appropriate, directly dispatching emergency response services or transferring or relaying 911 emergency calls to other public or private safety agencies.

A primary public safety answering point is equipped with automatic number identification and automatic location identification displays, and is the first point of reception of a 911 call. It serves the municipality in which it is located, and other cities and towns as may be determined by the board.

A secondary public safety answering point is equipped with automatic number identification and automatic location identification displays. It receives 911 calls only when they are transferred from the primary public safety answering point or on an alternative routing basis when calls cannot be completed to the primary public safety answering points

A ringing public safety answering point is equipped for receipt of voice communications only, and may not operate twenty-four hours each day. It receives 911 calls that are transferred from the primary public safety answering point.

"Selective routing," the method to direct 911 calls to the appropriate public safety answering point based on the geographical location from which the call originated.

"Subscriber," an end user who receives telephone exchange access services.

"Telephone company," includes all persons, firms, corporations, associations and joint stock associations or companies, as defined in chapter one hundred and fifty-nine, furnishing or rendering local telephone exchange service.

## Section 18B.

**(a)** There shall, be within the executive office of public safety, a statewide emergency telecommunications board consisting of the secretary of public safety; the secretary of consumers affairs and business regulation; the director of the Massachusetts civil defense agency and office of emergency preparedness; the director of the office of management information systems; the commissioner of the department of public safety; the superintendent of the metropolitan district commission police and the police commissioner of the city of Boston; the executive director of the state office of handicapped affairs; and thirteen members to be appointed by the governor, three

whom shall be representatives of the Massachusetts Chiefs of Police Association, three of who shall be representatives of the Massachusetts Fire Chiefs Association, one of who shall be a representative of the Massachusetts Emergency Medical Care Advisory Board, one of whom shall be a representative of the Massachusetts Police Association, one of whom shall be a representative of the Professional fire Fighters of Massachusetts, one of who shall be a representative of the Massachusetts Municipal Association, one of whom shall represent the interests of the vision impaired, one of whom shall represent the interests of the hearing impaired, and one whom shall represent the interests of the mobility impaired.

**(b)** The board shall coordinate and effect the implementation of enhanced 911, and administer its service in the commonwealth. The board shall also promulgate rules and regulations for the administration of enhanced 911, pursuant to chapter thirty A. Not later than six months after its organization, the board shall establish technical and operational standards, hereinafter referred to as "standards," for the establishment of public safety answering points which utilize enhanced 911 network features in accordance with section fourteen A of chapter one hundred and sixty-six and section eighteen C of this chapter. Municipalities shall comply with such standards in the design, implementation and operation of the public safety answering points. The board may inspect each public safety answering point which utilizes enhanced 911 network features to determine if it meets the requirements of said sections and all other technical and operational standards required by law.

The number of public safety answering points and answering positions at primary public safety answering points shall be determined by the board according to a formula that takes into account cost, efficiency and the public safety needs of cities and towns. Applications for the secondary public safety answering points shall be reviewed and approved by the board. The installation and operation costs of secondary public safety answering points shall be the responsibility of the applicant or applicants.

**(c)** The governor shall annually designate the chair- person of the board from among its members. The board shall meet at least annually, and at other times as determined by the chairperson, who shall notify all members of the time and place of all such meetings, provided, however, that a special meeting may be called at any time by a request of a majority of the board members. Members of the board shall receive no compensation, but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their duties.

**(d)** The secretary of public safety shall appoint and, subject to appropriation or funds otherwise available from other sources, fix the salary of an executive director, after reviewing final applicants with the approval of the board. Said director shall be responsible for administering, directing and managing the affairs and business of the board, for the supervision of all personnel associated with the enhanced 911 system, and for the appointment of all such personnel except as otherwise provided by the board. The director shall not be subject to the provisions of section nine A of chapter thirty or chapter thirty-one, but shall be classified in accordance with section forty-five of

said chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty. The executive director, with the approval of the board, may appoint such other employees. Including experts and consultants, as he deems necessary, subject to appropriation or available funds, to carry out the board's responsibilities.

**(e)** The board shall file a written annual report to the governor and shall file a copy thereof with secretary, the clerk of the house of representatives and the clerk of the senate.

**(f)** The board is hereby authorized to enter into contracts and agreements with and accept gifts, grants, contributions, and bequests of funds from, any department, agency, or subdivision of federal, state, county, or municipal government and any individual, foundation, corporation, association, or public authority for the purpose of providing or receiving services, facilities or staff assistance in connections with its work. Such funds shall be deposited with the state treasurer and may be expended by the board in accordance with the provisions of section seventeen B of chapter ten.

## Section 18C.

**(a)** Each public safety answering point shall be capable of transmitting a request for law enforcement, fire fighting, medical, ambulance or other emergency services to a public or private safety agency that provides the requested services.

**(b)** Each primary public safety answering point shall be equipped with a system approved by the board for processing of requests for emergency services from the physically challenged.

**(c)** Except as approved by the board, no person shall permit an automatic alarm or alerting device to dial the numbers 911 automatically or provide a prerecorded message in order to access emergency service directly.

**(d)** A public safety agency or private agency that receives a request for emergency service outside of its jurisdiction shall promptly forward the request to the public safety answering point or public safety agency responsible for that geographical area. Any emergency unit dispatched to a location outside its jurisdiction in response to such request shall render service to the requesting party until relieved by the public safety agency responsible for that geographical area.

**(e)** Municipalities may enter into written cooperative agreements to carry out the provisions of subsections (a), (b), and (d).

## Section 18D.

**(a)** Each municipality in the common wealth shall establish, staff, and operate, in



conjunction with one or more other municipalities or by itself, a public safety answering point on a twenty-four hour a day, seven days a week basis, in a manner and according to a schedule to be approved by the board. Each such municipality also shall submit for approval its recommendations for providing enhanced 911 services in such municipality along with another required information to the board within twelve months of the promulgations of standards by the board.

**(b)** The board shall review each proposed municipal plan to determine if it meets the requirements of law, and the technical and operational standards established by the board. The board shall require primary public safety answering points to display automatic number identification, automatic location identification and may require other enhanced 911 features that are or may become available; provided, however, that the purchasing and installation costs of any additional mandatory enhanced 911 features shall be the responsibility of a telephone company as provided in section seven. The primary public safety answering point shall be designed according to the plan as specified in subsection (c).

**(c)** The board shall develop, not later than eighteen months after the promulgation of standards, a statewide plan for the implementation and maintenance of enhanced 911 service. Such plan shall include the following:

**(1)** A division of the commonwealth into geographical segments. An enhanced 911 system shall be established for each municipality or county, or by groups of municipalities or counties, as specified by the board.

**(2)** An implementation schedule, developed after consultation with telephone companies, for the sequence of converting to enhanced 911 systems.

**(3)** A designation within each enhanced 911 system, of the municipalities and the public safety agencies within such municipalities, to serve as the primary public safety answering points. In all cases, the recommendation for the primary public safety answering point locations shall be for existing public safety agencies and, whenever possible, for the buildings which they customarily operate. The board shall also evaluate the need for secondary public safety answering points in municipalities which have requested them. It shall be the responsibility of the board to make the final determination regarding the total number and location of primary public safety answering points.

**(4)** The board shall, no later than September thirtieth of each year, review the existing configuration of primary, secondary and ringing public safety answering points, and develop changes or recommendations for change by December thirty-first of each year; provided, however, that any recommendation respecting the provision of enhanced 911 service that would result in aggregate expenditures of five hundred thousand dollars or more in a calendar year by a telephone company shall require the approval of the department of public utilities.

## Section 18E.

The attorney general may, at the request of the board or on his own initiative, institute civil proceedings against any municipality or petition the department of public utilities to institute proceedings to require a telephone company to provide services under this chapter.

## Section 18F.

After consultation with the department of public utilities, the secretary of public safety is hereby authorized to make an assessment proportionally against each telephone company based upon the intrastate operating revenues of each said company derived from sales within the commonwealth as shown in the annual report of said companies to the department of public utilities. Said assessment shall be made at a rate to be determined and certified annually by the secretary of public safety, sufficient to produce not more than three hundred thousand dollars in revenue for the fiscal year which the assessment is made; provided, however, that if the board fails to expend in any fiscal year the total amount assessed for the purposes set forth herein, any unexpended amount in such fiscal year shall be credited against the assessment to be made in the following year and the assessment in the following year shall be reduced by such unexpended amount; provided, further, that in addition to said assessment amounts, the assessment shall include amounts, to be credited to the General Fund, equal to the amount of funds estimated by the secretary for administration and finance to be expended from the General Fund for direct and indirect fringe benefit costs attributable to personnel costs of the board. The funds produced by such assessment shall be deposited in the General Fund and expended, subject to appropriation, to provide for the operating expenses of the board.

## Section 19A.

The department may approve a rate, fare, toll or charge for directory assistance service pursuant to schedules filed with the department; provided, however, that for each business or residence line and for each private branch exchange trunk line to which a customer subscribes, said customer shall be entitled to receive an allowance of ten direct dialed directory assistance calls per month; provided, further, that as of January, nineteen hundred and ninety-three, directory assistance calls for telephone numbers which are non-listed, or non-listed and non-published shall not be included in the ten call allowance; and provided, further, there shall be no rate, fare, toll or charge for said calls. The department shall determine an appropriate reduced monthly direct dialed directory assistance call allowance applicable to each Centrex line to which a business customer subscribes to provide a monthly call allowance equivalent to the allowance provided to each private branch exchange trunk line. Customers who are certified handicapped or elderly pursuant to regulations promulgated by the department shall be allowed an unlimited number of directory assistance calls without charge, and subject to such other terms and conditions as the department finds reasonable; provided, however, that no rate, fare, toll or charge for directory assistance service may be charged to users of coin operated telephones. The department may approve a rate, fare, toll or charge for directory assistance service to other common carriers as defined in paragraph (d) of section twelve for such directory assistance service as provided for herein.

For the purposes of this section, "directory assistance service" or "directory assistance call" shall mean information given to a customer of a telecommunications company to provide such customer with a telephone number. Each customer will be entitled without charge to a directory for each area within the commonwealth.